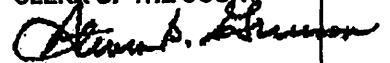


EXHIBIT A

Electronically Filed
5/6/2019 1:54 PM
Steven D. Grierson
CLERK OF THE COURT



1 **COMJD**
2 SHARON L. NELSON
3 Nevada Bar No. 6433
4 NELSON LAW
5 5940 S. Rainbow Blvd.
6 Las Vegas, Nevada 89118
7 Telephone: (702) 247-4529
8 Facsimile: (702) 737-4529
9 Attorneys for Plaintiff
10 KALENA SHERWOOD
11

CASE NO: A-19-794248-C
Department 25

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 KALENA SHERWOOD, an individual

10 Plaintiff,

11 vs.

12 BLUE RIBBON FRIED CHICKEN GRAND
13 BAZAAR, LLC, a domestic limited liability
14 company; Does I-X and Roes I-X

14 Defendants.

Case No.:

Dept. No.

**PLAINTIFF'S COMPLAINT AGAINST
DEFENDANT**

**[EXEMPT FROM ARBITRATION-
INJUNCTIVE AND/OR EQUITABLE
RELIEF REQUESTED]**

15 Plaintiff, Kalena Sherwood, an individual (hereinafter referred to as "Plaintiff"), by and
16 through her undersigned attorney of the law firm of Nelson Law, hereby alleges and complains
17 against Defendant Blue Ribbon Fried Chicken Grand Bazaar, LLC, a domestic limited liability
18 company (hereinafter referred to as "Defendant") as follows:

- 19 1. That at all times relevant herein, Plaintiff was a resident of the State of Nevada.
20 2. That at all times relevant herein, Defendant Blue Ribbon Fried Chicken Grand
21 Bazaar, LLC has been a domestic limited liability licensed and conducting business in the State
22 of Nevada.
23
24

1 3. The true names and capacities, whether individual, corporate or other business
2 entity, of Defendants Does I-X and Roes I-X are unknown to Plaintiff. Plaintiff is informed and
3 believes and therefore alleges that each of the Defendants designated herein Does I-X and Roes
4 I-X are negligent or responsible in some manner for the events and happenings herein referred to
5 and negligently, carelessly, recklessly, and in a manner that was grossly negligent, and/or willful,
6 and/or wanton, and caused damages proximately thereby to the Plaintiff as alleged herein.
7 Plaintiff will petition this Court to amend this Complaint to insert the true names of each party
8 designated as Doe and/or Roe Defendants when said parties are ascertained.

9 4. At all relevant times, Plaintiff was employed by Defendant as a manager.

10 5. Plaintiff suffered from a serious health condition and notified Defendant of the
11 same.

12 6. Plaintiff requested time away from work for a surgery to help address her serious
13 health condition.

14 7. Plaintiff's request was denied and Plaintiff was informed she could not take time
15 off of work as she was a supervisor.

16 8. In or around May of 2018, Plaintiff came to work to speak with the General
17 Manager Michael Coop (hereinafter "Coop") about time Plaintiff needed away from work due to
18 a serious health condition.

19 9. Coop told her he was aware of the serious health condition as security cameras
20 showed Plaintiff sick, coughing up blood and more.

21 10. However, Coop informed Plaintiff that he would not contest her unemployment
22 and that she was being terminated.

23 11. Plaintiff was allegedly terminated due to interactions with other employees.
24

1 12. Prior to Plaintiff's termination she had not been disciplined or negatively
2 evaluated for any serious infraction.

3 **FIRST CAUSE OF ACTION**
4 **(Violation of the Family and Medical Leave Act)**

5 13. Plaintiff repeats and realleges paragraphs 1-12 by this reference the same as
6 though fully set forth herein.

7 14. At all times relevant herein, Defendant was an employer covered by the Family
8 and Medical Leave Act (hereinafter "FMLA").

9 15. At all times relevant herein, Plaintiff was entitled to leave under the FMLA.

10 16. Pursuant to 29 U.S.C. §2615, it is unlawful for any employer to interfere with,
11 restrain, or deny the exercise of or the attempt to exercise, any right provided by the FMLA.

12 17. Defendant's refusal to provide leave to Plaintiff violated the FMLA and
13 Plaintiff's rights afforded by the FMLA.

14 18. Defendant's conduct complained of herein was willful and in disregard of
15 Plaintiff's rights. Defendant and its supervisory personnel were aware that discrimination against
16 Plaintiff for the use of FMLA leave was unlawful but acted in reckless disregard of the law.

17 19. As a result of Defendant's conduct, Plaintiff is entitled to damages in an amount
18 in excess of \$15,000.00.

19 20. As a result of Defendant's conduct, Plaintiff is entitled to her attorney's fees and
20 costs.

21 **SECOND CAUSE OF ACTION**
22 **(Retaliation in Violation of the Family Medical Leave Act)**

23 21. Plaintiff repeats and realleges paragraphs 1-20 by this reference the same as
24 though fully set forth herein.

1 22. Plaintiff requested and was denied leave for a serious health condition.

2 23. Rather than provide Plaintiff the leave requested, Defendant terminated Plaintiff.

3 24. On information and belief, Defendant's conduct was in retaliation for Plaintiff's
4 lawful request for FMLA leave.

5 25. Pursuant to 29 U.S.C. §2615, it is unlawful for any employer to interfere with,
6 restrain, or deny the exercise of or the attempt to exercise, any right provided by the FMLA.

7 26. Defendant violated the anti-retaliation provisions of the FMLA by subjecting
8 Plaintiff to an adverse employment actions (termination) as a result of her request for FMLA
9 leave.

10 27. Defendant's conduct complained of herein was willful and in disregard of
11 Plaintiff's rights. Defendant and its supervisory personnel were aware that retaliation against
12 Plaintiff for the use of FMLA leave was unlawful but acted in reckless disregard of the law.

13 28. As a result of Defendant's conduct, Plaintiff is entitled to damages in an amount
14 in excess of \$15,000.00.

15 29. As a result of Defendant's conduct, Plaintiff is entitled to her attorney's fees and
16 costs.

17 **THIRD CAUSE OF ACTION**
18 **(Negligent Infliction of Emotional Distress)**

19 30. Plaintiff incorporates by reference paragraphs 1-29 as though fully set forth
20 herein.

21 31. Defendant's behavior towards Plaintiff has been extreme, outrageous and was at a
22 minimum, negligent.
23
24

1 32. Plaintiff has suffered serious emotional distress including resulting physical
2 symptoms that included but are not limited to, hospitalization, severe vomiting, coughing up
3 blood, extreme weight loss and more.

4 33. As a direct and proximate result of the negligent infliction of emotional distressful
5 acts of Defendant, Plaintiff is entitled to damages in excess of \$15,000.00.

6 34. As a result of Defendant's conduct, Plaintiff is entitled to her attorney's fees and
7 costs.

8 **FOURTH CAUSE OF ACTION**
9 **(Negligent Training and/or Supervision)**

10 35. Plaintiff incorporates by reference paragraphs 1-34 as though fully set forth
11 herein.

12 36. Defendant has a duty to exercise ordinary care in the training and supervision of
13 its employees.

14 37. Defendant's duty exists to its employees including Plaintiff.

15 38. Defendant breached that duty of care when it failed to properly train and/or
16 supervise employees regarding FMLA, the request for and use of FMLA and the laws
17 prohibiting adverse conduct as a result of FMLA use.

18 39. Defendant also breached its due of care when it failed to follow its own internal
19 policies and procedures regarding discipline, evaluations and/or terminations of employees.

20 40. As a direct and proximate result of the negligent acts of Defendant, Plaintiff has
21 been injured and has suffered damages in excess of \$15,000.00.

22 41. As a result of Defendant's conduct, Plaintiff is entitled to her attorney's fees and
23 costs.

24 WHEREFORE, Plaintiff prays for judgment in her favor against Defendant as follows:

- 1 (1) For general damages for injury, pain and suffering in excess of \$15,000.00;
- 2 (2) For special damages in excess of \$15,000.00;
- 3 (3) For wages, salary, employment benefits and other compensation denied or lost in
- 4 an amount in excess of \$15,000.00;
- 5 (4) For interest calculated at the prevailing rate;
- 6 (5) For liquidated damages if appropriate;
- 7 (6) Equitable relief;
- 8 (7) For exemplary damages if appropriate;
- 9 (8) Attorney's fees and cost of suit incurred herein;
- 10 (9) For punitive damages if appropriate;
- 11 (10) For such other and further relief as the Court deems just and proper.

12 DATED this 6th day of May 2019.

13 NELSON LAW

14
15 /s/ Sharon L. Nelson
16 SHARON L. NELSON
17 Nevada Bar No. 6433
18 5940 S. Rainbow Blvd.
19 Las Vegas, Nevada 89118
20 Attorneys for Plaintiff

21 //

22 //

23 //

24

DEMAND FOR JURY TRIAL

Plaintiff, by and through undersigned counsel, hereby demands trial by jury in the above captioned matter.

DATED this 6th day of May 2019.

NELSON LAW

/s/ Sharon L. Nelson
SHARON L. NELSON
Nevada Bar No. 6433
5940 S. Rainbow Blvd.
Las Vegas, Nevada 89118
Attorneys for Plaintiff